

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**WINSTON FRANCIS, JR., as the personal
representative of the Estate of Winston
Francis, Sr.[] and as the administrator of the
Estate of Winston Francis, Sr.,**

Plaintiff,

v.

BANK OF NOVA SCOTIA,

Defendant.

2006-CV-0082

**TO: Joel H. Holt, Esq.
James Bernier, Jr., Esq.**

ORDER REGARDING PLAINTIFF'S MOTION FOR SANCTIONS

THIS MATTER came before the Court upon Plaintiff's Motion For Sanctions (Docket No. 169). Defendant filed an opposition to said motion, and Plaintiff filed a reply thereto.

Plaintiff seeks sanctions pursuant to LRCi 3.2(f)(2), alleging that a representative of the insurance carrier for Defendant was not present at either the first or the second mediation held in this matter as required by LRCi 3.2(f)(2)(B). While Defendant admits that Defendant has excess insurance coverage, its primary insurance is provided by ScotiaInsurance which is wholly owned by Defendant. Response in Opposition at 1.

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Defendant further maintains that the party representative who was in attendance at both mediations was "authorized to act on behalf of ScotiaInsurance and the excess carriers at mediation." *Id.* at 2.

Based upon the representations of Defendant, that its representative had full authority to settle the matter without further consultation, the Court finds that Defendant did not violate the requirements of LRCi 3.2(f)(2).

Accordingly, it is now hereby **ORDERED** Plaintiff's Motion For Sanctions (Docket No. 169) is **DENIED**.

ENTER:

Dated: June 11, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE